



Legislative Audit Division

Performance Audit Summary

Montana's Sexual or Violent Offender Registration Program March 2003

Introduction

The Legislative Audit Committee requested a performance audit of the Sexual or Violent Offender Registration Program (registry) managed by the Montana Department of Justice (DOJ). Montana statute requires persons residing in the state who have been convicted of a sexual or violent offense to register with their local law enforcement agency. Montana sheriff offices and police departments who register offenders are required to provide registration information to the registry, which is made available to criminal justice agencies. The public can obtain offender address and conviction information through the DOJ's Sexual or Violent Offender Registry website, which can be accessed at <http://www.doj.state.mt.us>. There are approximately 2,600 sexual or violent offenders registered in Montana.

Registered Offenders Living in Montana*

As of January 30, 2003

Type of Offender	Number of Offenders
Sexual	1,168
Violent	1,396
Sexual and Violent	28
Total	2,592

*Offenders incarcerated or living in other states are not included

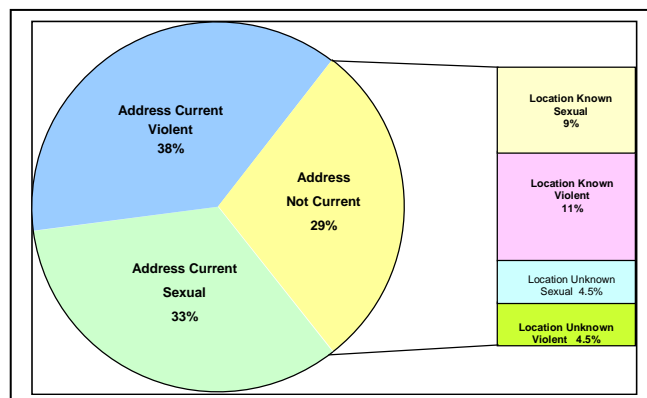
Most Sexual or Violent Offenders are Registered

To determine whether sexual or violent offenders residing in Montana had registered, we examined a random statistical sample of 89 offenders convicted of a sexual or violent offense during calendar years 2000 and 2001. Analysis indicated 80 offenders (90 percent) had registered. Nine offenders (10 percent) had not registered, which was either an oversight by Department of Corrections (DOC) probation and parole officers or sentencing orders did not clarify whether an offender was required to register.

Some Offender Addresses are not Current

To examine whether address information in the registry is current, we requested local law enforcement agencies verify address information for a randomly selected statistical sample of 45 of the approximately 2,600

registered offenders. Analysis indicated 71 percent of the addresses were current. Although 29 percent of offender addresses in the registry were not current, law enforcement officials were able to locate all but four offenders.



The Sexual or Violent Offender Registry Website is Secure From Unauthorized Access

Another audit objective was to examine whether the registry website was secure from unauthorized access that would allow individuals to alter offender information. Analysis indicated the design of the website makes unauthorized changes unlikely and, if completed, temporary.

The DOJ Should Modify Its Management Information System to Flag Address Verification Letters Not Returned

The DOJ sends each registered offender an address verification letter every year. Registered offenders are required to sign the letter before a notary public and return the letter. However, the DOJ's management information system does not have the capability for flagging verification letters that are not returned to the registry. Audit work identified 239 instances in which registered offenders had not returned address verification letters, resulting in DOJ being unable to request local law enforcement agencies investigate offender noncompliance with registration requirements. We recommend the DOJ modify its management information system to flag offenders whose address verification letters are not returned to the registry.

The DOJ Can Improve Law Enforcement Access to Registered Offender Information

A primary means for enforcing registration requirements is identifying noncompliant offenders during routine contacts with law enforcement, such as during traffic stops or field investigations. However, the standard identification request for information through Montana's Criminal Justice Information Network (CJIN) does not automatically check the registry to determine whether a person is a registered offender or an offender's compliance status. It does check for arrest warrants; however, only about 5% of noncompliant offenders have arrest warrants issued for them.

jurisdiction and the public has a single resource for obtaining information about registrants at the local level. We recommend the DOJ seek legislation to clarify that local law enforcement agencies are solely responsible for registering sexual or violent offenders.

For a complete copy of the report (03P-05) or for further information contact the Legislative Audit Division at 406-444-3122; e-mail to lad@mt.gov; or check the web site at <http://leg.mt.gov/audit>.

Arrest Warrants Issued for a Sample of Noncompliant Offenders January 2003		
Type of Offender	Noncompliant Offenders	Warrant Issued
Violent	49 (64%)	3 (6%)
Sexual	28 (36%)	2 (7%)
Total Number	77	5 (6%)

We recommend the DOJ modify the standard CJIN query to automatically check registration information and provide information on the status of all registered offenders.

The DOJ Should Develop Procedures to Assure All Registered Sexual Offender are identified in the National Sexual Offender Registry

Federal law requires states register sexual offenders in the National Sexual Offender Registry. The DOJ has not entered sexual offenders living in Montana but convicted in other states into the national registry because the DOJ did not have an FBI number associated with the fingerprint card that is assigned when fingerprint cards are submitted after an arrest. According to DOJ management, this information can be obtained from the state where the offender was convicted. We recommend the DOJ develop procedures to obtain this information and assure all sexual offenders registered in Montana are entered into the National Sexual Offender Registry.

The DOJ Should Seek Clarification of Statutory Language Stating Local Law Enforcement is Responsible for Registering Offenders

Montana statute states offenders convicted of a sexual or violent offense and sentenced to probation under the supervision of DOC must register with the local probation and parole office. However, in practice local law enforcement agencies are the sole registering agencies in communities and counties, and probation and parole officers require probationers to register with the appropriate law enforcement agency. This practice ensures there is a single registering entity within a